

1 HOUSE BILL NO. 99

2 INTRODUCED BY G. GOLIE

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REINSTATING THE AUTHORITY OF THE FISH, WILDLIFE, AND
6 PARKS COMMISSION TO SET THE NUMBER OF NONRESIDENT UPLAND GAME BIRD LICENSES SOLD
7 IF CERTAIN CONDITIONS ARE MET; PROVIDING THAT THE LICENSES MAY BE AWARDED THROUGH
8 A DRAWING; ALLOWING THE COMMISSION TO ADOPT RULES FOR GROUP LICENSE APPLICATIONS;
9 AMENDING SECTION 87-2-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 87-2-402, MCA, is amended to read:

14 **"87-2-402. Class B-1--nonresident upland game bird license.** (1) Except as otherwise provided in
15 this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who
16 will turn 12 years old before or during the season for which the license is issued, upon payment of a fee of \$110,
17 may receive a Class B-1 license that entitles a holder who is 12 years of age or older to hunt upland game birds
18 and possess the carcasses of upland game birds as authorized by department rules.

19 (2) (a) After providing public notice and holding a public hearing, the commission may set the number
20 of Class B-1 nonresident upland game bird licenses to be sold in any license year and institute a drawing system
21 to award the licenses if the commission has analyzed the impacts on landowners, outfitters, bird populations,
22 local communities, local economies, private property rights, and hunting access opportunities for resident and
23 nonresident upland game bird hunters.

24 (b) If the commission establishes a limit on the number of Class B-1 nonresident upland game bird
25 licenses to be sold as authorized in subsection (2)(a), the commission shall provide documentation of the
26 analysis required in subsection (2)(a) and shall provide justification for its decision to establish a limit.

27 (c) The commission may not set aside any number of licenses issued under this section for the clients
28 of licensed outfitters.

29 (3) If the commission sets limits as authorized in subsection (2), the commission may develop and adopt
30 rules that provide for a group of applicants to participate in the drawing system under one application. The rules

1 must clarify that each member of a group that is successful in the drawing shall still obtain the license required
2 by this section."

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4 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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